

Contra Costa County Airport Land Use Compatibility Plan

Adopted by
Contra Costa County
Airport Land Use Commission



December 13, 2000

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by
Shutt Moen Associates
Santa Rosa, California



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CONTRA COSTA COUNTY AIRPORT LAND USE COMMISSION
(as of December 13, 2000)

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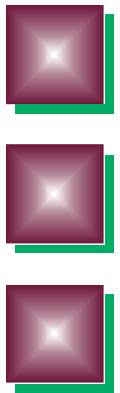
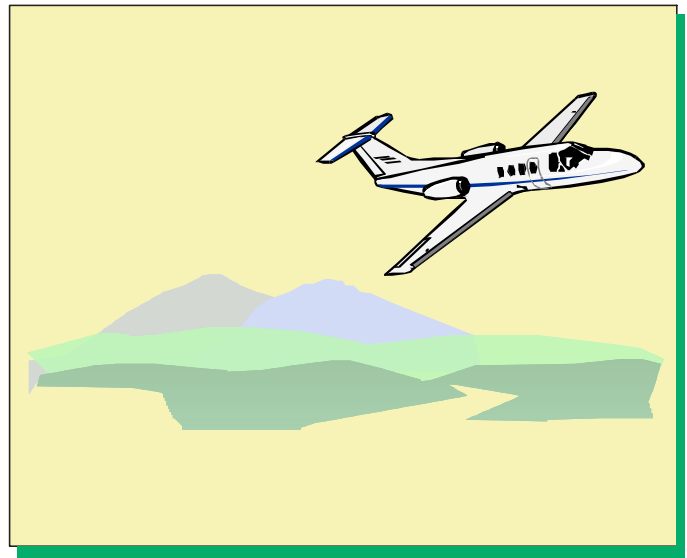
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Introduction

1



1

Introduction

AIRPORT LAND USE COMPATIBILITY PLANNING

Function and Applicability of the Plan

The basic function of this *Contra Costa County Airport Land Use Compatibility Plan* is to promote compatibility between the airports in Contra Costa County and the land uses which surround them. As adopted by the Contra Costa County Airport Land Use Commission, the plan serves as a tool for use by the commission in fulfilling its duty to review airport and adjacent land use development proposals. Additionally, the plan sets compatibility criteria applicable to local agencies in their preparation or amendment of land use plans and ordinances and to land owners in their design of new development.

The plan is primarily concerned with land uses near the two public-use airports in the county:

- < Buchanan Field Airport
- < Byron Airport

In addition to the land use policies applicable within the airport influence areas, certain elements of the plan apply countywide to development actions (specifically, the construction of tall antennas and other such structures) which may have aviation-related compatibility implications.

The influence area for each of the airports, as defined herein, extends roughly 2 to 3 miles from the airport runways. The influence areas of these two airports affect the land use jurisdictions of the following local government entities in the county:

- < County of Contra Costa
- < City of Concord
- < City of Martinez
- < City of Pleasant Hill

Portions of the Byron Airport influence area also affect lands within the jurisdictions of the counties of Alameda and San Joaquin. Although the authority of the Contra Costa County Airport Land Use Com-

mission does not extend to these jurisdictions, policies in the *Compatibility Plan* address the importance of coordination on airport land use compatibility matters.

Details regarding the purpose, scope, and applicability of the *Compatibility Plan* are set forth in the three policy chapters which follow.

Statutory Requirements

Powers and Duties

Requirements for creation of airport land use commissions (ALUCs) were first established under the California State Aeronautics Act (Public Utility Code Sections 21670 et seq.) in 1967. In 1970, the requirements were extended to all counties having a public-use airport. Although the law has been amended numerous times since then, the fundamental purpose of ALUCs to promote land use compatibility around airports has remained unchanged. As expressed in the present statutes, this purpose is:

“... to protect public health, safety, and welfare by ensuring the orderly expansion of airports and the adoption of land use measures that minimize the public’s exposure to excessive noise and safety hazards within areas around public airports to the extent that these areas are not already devoted to incompatible uses.”

The statutes give ALUCs two principal powers by which to accomplish this objective. First, ALUCs must prepare and adopt an airport land use compatibility plan. Secondly, they review the plans, regulations, and certain other actions of local land use jurisdictions and the master plans of airports for consistency with that plan.

Limitations

Also explicit in the statutes are two limitations on the powers of ALUCs. Specifically, ALUCs have no authority over existing land uses (Section 21674(a)) or over the operation of airports (Section 21674(e)). Neither of these terms is defined within the statutes, although the interpretation of their meaning is fairly standard throughout the state.

- ‘ **Existing Land Uses** — The precise wording of the Aeronautics Act is that the authority of ALUCs extends only to land in the vicinity of airports which is “not already devoted to incompatible uses”. The working interpretation of this language is that ALUCs have no state-empowered authority over existing land uses. The question then becomes one of determining what conditions qualify a land use as existing.

For airport land use planning purposes, a land use can generally be considered existing once the local agency has completed all discretionary actions on the project and only ministerial approvals remain. A vacant property thus can be considered “devoted to” a particular use, even if the activity has not begun, once local government commitments along with substantial construction investments by the property owner make it infeasible for the property to be used for anything other

than its proposed use. Local government commitment to a proposal can usually be considered firm once a vesting tentative map or development agreement has been approved.

- **Operation of Airports** — Any actions pertaining to how and where aircraft operate on the ground or in the air around an airport are clearly not within the jurisdiction of ALUCs to regulate. ALUC involvement with aircraft operations is limited to taking the operational characteristics into account in the development of land use compatibility plans. This limitation on the jurisdiction of ALUCs cannot, however, be taken to mean that they have no authority with respect to new development on airport property. For example, the law specifically requires ALUCs to review proposed airport master plans for consistency with the commission's plans. ALUCs also are generally conceded to have authority to review proposals for nonaviation development on airport property.

A third, less absolute, limitation concerns the types of land use actions which are subject to ALUC review. The current law emphasizes local general plans as the primary mechanism for implementing the compatibility policies set forth in an ALUC's plan. Thus, the county and each affected city is required to make its general plan consistent with the ALUC plan (or to override the commission). Once a local agency has taken this action to the satisfaction of the ALUC, the ALUC's authority to review projects within that jurisdiction is narrowly limited. The only actions for which review remains mandatory are proposed adoption or amendment of general plans, specific plans, zoning ordinances, and building regulations affecting land within an airport influence area. For an ALUC to review individual projects, the local agency must agree to submit them.

Contra Costa County Airport Land Use Commission

Pursuant to state law, Contra Costa County and the cities within the county established the Contra Costa County Airport Land Use Commission in 1970. The commission membership composition follows the standard format specified in the law:

- < Two members appointed by the Board of Supervisors;
- < Two members appointed by a committee comprised of mayors of the cities in the county;
- < Two members appointed by airport managers (because the county operates the only two public-use airports in the county, the county's Manager of Airports appoints two members); and
- < A seventh member, representing the general public, appointed by the other six.

The Director of the Contra Costa County Community Development Department serves as the commission secretary with support from the department staff.

The *Contra Costa County Airport Land Use Compatibility Plan* represented by this document replaces separate compatibility plans which the ALUC previously adopted for each of the two airports. The *Buchanan Field Airport Land Use Policy Plan* dated from 1978 and was last amended in 1984. The *Comprehensive Land Use Plan: East Contra Costa County (Byron) Airport* was adopted in 1991. The latter document was intended as an interim plan to protect the new airport then under construction until such time as a more comprehensive *Compatibility Plan* could be prepared. The commission also has an adopted set of bylaws which remain in effect independent of the old or new compatibility plans.

Relationship of ALUC to County Government

The fundamental relationship between the Contra Costa County Airport Land Use Commission and county government is set by the State Aeronautics Act. The ALUC is not simply an advisory body for the Board of Supervisors in the manner that the Planning Commission is. Rather, it is more equivalent to the Contra Costa County Local Agency Formation Commission (LAFCo). Within the bounds defined by state law, the decisions of the ALUC are final and are independent of the county Board of Supervisors. The ALUC does not need Board of Supervisors approval in order to adopt this *Compatibility Plan* or carry out ALUC land use project review responsibilities. Thus, except for the fact that the commission functions under the auspices of Contra Costa County government and is supported by county staff, its relationship to the county is the same as with individual cities. The county has the same responsibilities as the cities to refer land use actions to the ALUC for review and to modify its general plan for consistency with the *Compatibility Plan*.

PLAN PREPARATION AND REVIEW

The need for preparation of this new countywide *Compatibility Plan* stemmed from changes which have occurred both locally and at the state level since the original plans were adopted. Locally, some physical modifications plus changes in characteristics of the airport's usage have taken place at Buchanan Field. Also, Byron Airport has been built and the patterns of its usage have become more evident. From the state side of the equation, new laws and other guidance affecting ALUCs have come into effect.

State Guidelines

Most of the revisions which have been made to the state laws governing ALUCs over the last 30+ years involve the procedures by which ALUCs operate. Perhaps most significant among the amendments was one in 1982 which established the requirement for local general and specific plans to be made consistent with the commission's plan. This amendment also limited the authority of ALUCs to review individual development proposals. Another change made to the statutes at that time was to reduce the vote requirement for a local agency to override an ALUC decision from four fifths to two thirds.

More important with respect to preparation of ALUC plans was completion of the Caltrans 1993 *Airport Land Use Planning Handbook*. State law now requires ALUCs to be "guided by" information in the *Handbook* when formulating or amending compatibility plans. In addition, another statute enacted in 1994 creates a tie between the *Handbook* and California Environmental Quality Act (CEQA) documents. Lead agencies are now required to use the *Handbook* as "a technical resource" when assessing airport-related noise and safety impacts of projects located in the vicinity of airports. The *Handbook* provides extensive guidance on preparation and content of compatibility plans, on procedures for ALUC review of local actions, and on the responsibilities of local agencies. The second half of the document contains background information regarding noise and safety compatibility

concepts, including valuable, not previously available, data regarding general aviation aircraft accident location patterns and other characteristics.

Relationship to Airport Master Plans

Airport land use compatibility plans are distinct from airport master plans in function and content. In simple terms, the issues addressed by airport master plans are primarily on-airport whereas those of concern in a compatibility plan are mostly off-airport.

- < The major purpose of airport master plans is to assess the demand for airport facilities and to guide the development necessary to meet those demands. The manner in which an airport — and the aircraft which use it — operates and in turn affects surrounding land uses are often addressed as well. An airport master plan is prepared for and adopted by the agency which owns and/or operates the airport.
- < In contrast, the purpose of a compatibility plan is to assure that incompatible development does not occur on lands surrounding the airports. Compatibility plans are restricted from addressing how an airport should be developed and operated. The responsibility for preparation and adoption of compatibility plans lies with each county's airport land use commission.

This distinction notwithstanding, the relationship between the two types of plans is close. Specifically, Section 21675(a) of the state law requires that ALUC plans be based upon a long-range airport master plan adopted by the airport owner/proprietor. If such a plan does not exist for a particular airport, an airport layout plan may be used subject to approval by the Caltrans Aeronautics Program.

The county Board of Supervisors has adopted an airport master plan for each of the two public-use airports in Contra Costa County. The plans currently in effect are the *East Contra Costa County (Byron) Airport Master Plan* (adopted in June 1986) and *Buchanan Field Airport Master Plan* (adopted in September 1990). The airport layout plan drawings for the two airports have been updated on several occasions since then to reflect various construction projects, but the master plans continue to be the principal documents establishing policy guidance for the respective airports. As required by state law, the *Compatibility Plan* is based upon these master plans. Forecasts of airport activity have been updated to reflect historical trends over the last decade and to assure that the *Compatibility Plan* has the necessary long-range perspective on airport usage. As described in the background data chapters of this document, the updated forecasts are tied closely to the county's adopted development policies for each airport.

Plan Review and Adoption Process

From initiation of the study to adoption of this *Airport Land Use Compatibility Plan*, the planning process took nearly three years. The major issues associated with the plan were originally outlined in three discussion papers prepared during the course of the study. Preliminary versions of most of the compatibility policies were initially presented in these papers as well. These and other topics were

addressed at many meetings of the Contra Costa County Airport Land Use Commission and at several, well-attended public workshops. Throughout the plan preparation process, close coordination was also maintained with each of the jurisdictions having land use authority in the airports' environs.

A draft plan was completed in May 2000 and widely circulated to the affected agencies and the general public. The proposed plan and an accompanying addendum were the subjects of two formal public hearings, one in Byron on November 13, 2000, and another in Martinez on November 15, 2000. Additionally, an initial study and proposed negative declaration were prepared and circulated for comment in accordance with the requirements of the California Environmental Quality Act (CEQA). In response to comments presented at the public hearings and in writing, a second addendum to the draft plan was prepared. At its regular meeting of December 13, 2000, the Commission approved several additional modifications and then adopted the *Compatibility Plan* and negative declaration.

The present document incorporates all of the approved revisions to the draft plan. Copies of the initial study, notice of determination, and adoption resolution are attached at the back of this volume.

PLAN IMPLEMENTATION

General Plan Consistency

State law (Government Code Section 65302.3) requires each local agency having jurisdiction over land uses within an ALUC's planning area to modify its general plan and any affected specific plans to be consistent with the compatibility plan. The local agency must take this action within 180 days of when the ALUC adopts or amends its plan. The only other course of action permitted for local agencies is to override the ALUC by a two-thirds vote after first holding a public hearing and making explicit findings that the agency's plans are consistent with the intent of state law.

A general plan does not need to be identical with the ALUC plan in order to be consistent with it. To meet the consistency test, a general plan must do two things:

- < It must avoid direct conflicts with compatibility planning criteria; and
- < It must include provisions for evaluation of proposed land use development situated within an airport influence area relative to the compatibility criteria set forth in the *Compatibility Plan*.

The first of these two tests requires that, if any land use designations for proposed new development — not for existing land uses — are inconsistent with the compatibility criteria, those designations must be changed to ones which would eliminate the conflicts. General plan land use designations can be more restrictive than the uses allowed under the *Compatibility Plan* (for example, agricultural uses can be shown in an area where the *Compatibility Plan* would allow residential development). It is only the reverse situation that constitutes inconsistency (that is, a general plan cannot permit a residential subdivision where the *Compatibility Plan* requires multi-acre parcels).

The latter requirement means that a general plan, either directly or through reference to a zoning ordinance or other policy document, must specifically address compatibility planning issues and the method by which projects will be reviewed. Several options — or a combination of them — are available to the affected jurisdictions in this regard.

- **Incorporate Policies into Existing General Plan Elements** — One method of achieving the necessary planning consistency is to modify existing general plan elements. For example, airport land use noise policies could be inserted into the noise element, safety policies could be placed into a safety element, and the primary compatibility criteria and associated maps plus the procedural policies might fit into the land use element. With this approach, the majority of the *Compatibility Plan* policies would be fully incorporated into a local jurisdiction's general plan.
- **Adopt a General Plan Airport Element** — Another approach is to prepare a separate airport element of the general plan. Such a format may be advantageous when a community's general plan also needs to address on-airport development and operational issues. Modification of other plan elements to provide cross referencing and eliminate conflicts would still be necessary.
- **Adopt Compatibility Plan as Stand-Alone Document** — Jurisdictions selecting this option would simply adopt as a local policy document the relevant portions of the *Compatibility Plan*. Changes to the community's existing general plan would be minimal. Policy reference to the separate *Compatibility Plan* document would need to be added and any direct land use or other conflicts with compatibility planning criteria would have to be removed. Limited discussion of compatibility planning issues could be included in the general plan, but the substance of most compatibility policies would appear only in the *Compatibility Plan*.
- **Implementing Compatibility Policies through Zoning** — This approach is similar to the one above except that the local jurisdiction would not explicitly adopt the *Compatibility Plan* as policy. Instead, the compatibility policies would be restructured either as an airport combining zone ordinance or otherwise incorporated into the criteria specified for regular land use zone districts. Implementation of the compatibility policies would be through the zoning ordinance. Policy reference to airport compatibility in the general plan could be as simple as mentioning support for the airport land use commission and stating that policy implementation is by means of the combining zone.

Airport Combining Zone Concept

As just mentioned, one of the options available to local jurisdictions for implementing airport land use compatibility criteria and review procedures is to adopt an airport combining zone ordinance. A combining zone serves as an overlay of standard community-wide land use zones and modifies or limits the uses permitted by the underlying zone. Flood hazard combining zoning is a common example.

An airport combining zone ordinance can serve as a convenient means of bringing various airport compatibility criteria into one place. Airport-related height limit zoning ordinances adopted by some of the affected Contra Costa County jurisdictions can serve as a starting point for an airport combining

zone ordinance. Other components necessary to fully implement ALUC plan policies — structural sound attenuation requirements and limitations on the intensity of building usage, for example — could be added. (An outline of topics which could be included in an airport combining zone is included in Appendix F.)

Project Referrals

In addition to the types of land use actions for which referral to the ALUC is mandatory in accordance with state law, the *Compatibility Plan* specifies other land use projects which either must or should be submitted for review depending upon the circumstances. These *major land use actions* are defined in Chapter 2. Beginning with the adoption of this plan and until such time as local jurisdictions have made the necessary modifications to their general plans, all of these major land use actions are to be submitted to the commission for review. After local agencies have made their general plans consistent with the *Compatibility Plan*, the ALUC requests that these major actions continue to be submitted on a voluntary basis.

PLAN CONTENTS

The most important components of this plan are found in Chapters 2, 3, and 4. Chapter 2 presents airport compatibility and review policies applicable countywide. Chapters 3 and 4 contain the compatibility policies and maps which apply specifically to Buchanan Field and Byron Airport, respectively.

The remainder of the document constitutes supporting material. Chapters 5 and 6 contain background and supporting information concerning the two airports. The appendices provide other information related to airport land use planning in general and airport land use commissions in particular.

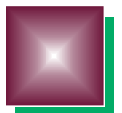
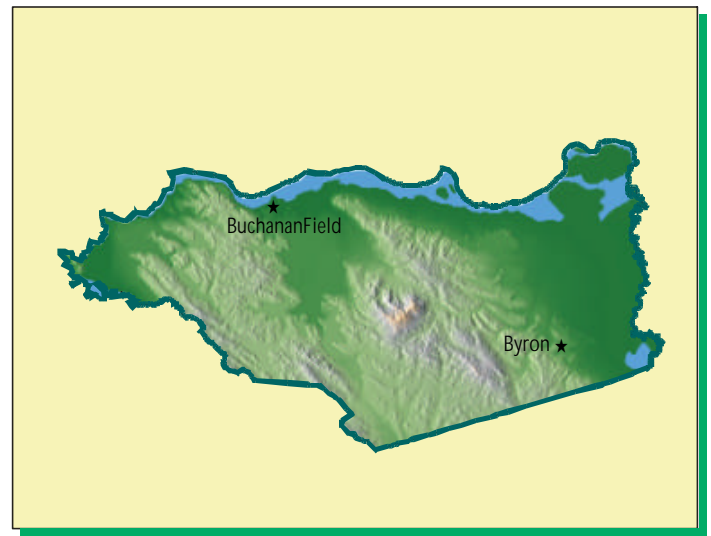
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Countywide Policies

2



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Countywide Policies

GENERAL APPLICABILITY

1.

1.1. Purpose

The purpose of this *Contra Costa County Airport Land Use Compatibility Plan* is to establish procedures and criteria by which, in accordance with the California State Aeronautics Act:

1.1.1. *Contra Costa County Airport Land Use Commission (ALUC)* — The ALUC:

- (a) Shall review proposed land use development in Contra Costa County and affected cities within the county for compatibility with airport activity.
- (b) Shall review certain types of airport development proposals which are also subject to ALUC review and are addressed by the *Plan*.

1.1.2. *County of Contra Costa and Affected Cities in the County* — The county and cities:

- (a) Shall refer specified land use proposals to the ALUC for review.
- (b) Shall each make their *General Plan* and zoning ordinance consistent with the Commission's *Compatibility Plan*.
- (c) Can make other planning decisions regarding the lands impacted by airport operations.

1.2. Definitions

The following definitions apply for the purposes of the policies set forth in this document (additional terms are defined in the *Glossary*):

- 1.2.1. *Aeronautics Act* — Except as indicated otherwise, the article of the California Public Utilities Code (Sections 21670 et seq.) pertaining to airport land use commissions.
- 1.2.2. *Airport* — Buchanan Field Airport and Byron Airport, or any other new public-use airport which might be created within the boundaries of Contra Costa County.
- 1.2.3. *Airport Influence Area* — An area, as delineated herein, which is routinely affected by aircraft operations at an airport and within which certain land use actions are subject to ALUC review.
- 1.2.4. *Airport Land Use Commission (ALUC)* — The Contra Costa County Airport Land Use Commission.
- 1.2.5. *Airport Land Use Commission Secretary* — The Director of the Contra Costa County Community Development Department or a person designated by the director.
- 1.2.6. *Avigation Easement* — An easement which conveys rights associated with aircraft overflight of a property, including creation of noise, limits on the height of structures and trees, etc. (see *Glossary*)
- 1.2.7. *Community Noise Equivalent Level (CNEL)* — The noise metric adopted by the state of California for evaluating airport noise impacts. The noise impacts are typically depicted by a set of contours, each of which represents points having the same CNEL value.
- 1.2.8. *Compatibility Plan* — This document, the *Contra Costa County Airport Land Use Compatibility Plan*.
- 1.2.9. *Existing Land Use* — A land use which either physically exists or for which local government commitments along with substantial construction investment by the property owner make it infeasible for the property to be used for anything other than its proposed use. Local government commitment to a proposal can usually be considered firm once a vesting tentative map, development agreement, or other land use entitlement has been approved or all discretionary approvals have been made.
- 1.2.10. *Federal Aviation Regulations (FAR) Part 77* — The part of Federal Aviation Regulations which deals with objects affecting navigable airspace in the vicinity of airports. Objects which exceed the Part 77 height limits constitute airspace obstructions.

- 1.2.11. *Heliport* — A helicopter landing facility for which a Heliport Permit is required from the California Department of Transportation. Public-use and special-use heliports (including those at hospitals) are included within this definition, but helipads located on an airport are excluded.
- 1.2.12. *Local Jurisdiction* — The county of Contra Costa or any city or other government agency (except agencies of the state or federal government) having jurisdiction over land uses within their boundaries.
- 1.2.13. *Major Land Use Action* — Actions related to proposed land uses for which compatibility with airport activity is a particular concern, but for which ALUC review is not always mandatory under state law. These types of actions are listed in Countywide Policy 1.5.3.
- 1.2.14. *Nonconforming Use* — In general, a land use, parcel, or building which does not comply with a current land use plan or zoning ordinance, but which was legally permitted at the time the plan or ordinance was adopted. For the purposes of this *Compatibility Plan*, a nonconforming use is one which exists (see definition of “existing land use” in Countywide Policy 1.2.9) as of the plan’s adoption date, but which does not conform with the compatibility criteria set forth herein.
- 1.2.15. *Project; Land Use Action; Development Proposal* — Terms similar in meaning and all referring to the types of land use matters, either publicly or privately sponsored, which are subject to the provisions of this *Compatibility Plan*.

1.3. Geographic Scope

As established by the Contra Costa County Airport Land Use Commission, the geographic scope of the *Contra Costa County Airport Land Use Compatibility Plan* encompasses:

- 1.3.1. *Airport Influence Area*
- (a) All lands on which the uses could be negatively affected by present or future aircraft operations at the following airports in Contra Costa County, as well as lands on which the uses could negatively affect these airports:
 - (1) Buchanan Field Airport.
 - (2) Byron Airport.
 - (b) The specific limits of the influence area for each airport are depicted on the *Compatibility Map* for that airport as presented in Chapter 3 for Buchanan Field Airport and Chapter 4 for Byron Airport.
 - (c) An airport influence area can cross a county line. However, this *Compatibility Plan* is binding only within Contra Costa County.

- (1) The influence area of Byron Airport extends into the northeastern corner of Alameda County and the western edge of San Joaquin County.
- 1.3.2. *Countywide Impacts on Flight Safety* — Other lands, regardless of their location in the county, on which certain land use characteristics could adversely affect the safety of flight in the county. The specific uses of concern are identified in Countywide Policy 1.5.3.(d).
- 1.3.3. *New Airports* — The site and environs of any new airport which may be proposed anywhere in the county, including incorporated cities, and which requires an Airport Permit from the California Department of Transportation (agricultural airports, personal-use airports, and seaplane landing sites are generally exempt from state permit requirements).
- 1.3.4. *Heliports* — The site and environs of any public-use or special-use heliport (as defined by the California Department of Transportation) which may exist or be proposed anywhere within Contra Costa County, including incorporated cities.

1.4. Types of Airport Impacts

- 1.4.1. *Principal Compatibility Concerns* — The Commission is concerned only with the potential impacts related to:
 - (a) Exposure to aircraft noise;
 - (b) Land use safety with respect both to people on the ground and the occupants of aircraft;
 - (c) Protection of airport airspace; and
 - (d) General (primarily annoyance-related) concerns associated with aircraft overflights.

1.5. Types of Actions Reviewed

- 1.5.1. *Actions Which Always Require ALUC Review* — As required by state law, the following types of actions shall be referred to the Airport Land Use Commission for determination of consistency with the *Compatibility Plan* prior to their approval by the local jurisdiction:
 - (a) The adoption or approval of any amendment to a general or specific plan affecting the property within an airport influence area (State Aeronautics Act Section 21676(b)).

- (b) The adoption or approval of a zoning ordinance or building regulation which (1) affects property within an airport influence area, and (2) involves a potential for noise, safety, airspace protection, or overflight annoyance compatibility conflicts (State Aeronautics Act Section 21676(b)). Any proposed change or variance to any such ordinance or regulation also must be submitted for ALUC review if these conditions are present.
- (c) Adoption or modification of the master plan for an existing public-use airport (State Aeronautics Act Section 21676(c)).
- (d) Any proposal for expansion of an existing airport or heliport if such expansion will require an amended airport permit from the state of California (State Aeronautics Act Section 21664.5).
- (e) Any proposal for a new airport or heliport whether for public use or private use (State Aeronautics Act Section 21661.5) if the facility requires a State Airport Permit.

1.5.2. *Other Land Use Actions Subject to ALUC Review* — In addition to the above types

of land use actions for which ALUC review is mandatory, other types of land use actions are subject to review under the following circumstances:

- (a) Until such time as (1) the Commission finds that a local agency's general plan or specific plan is consistent with the *Airport Land Use Compatibility Plan*, or (2) the local agency has overruled the Commission's determination of inconsistency, state law requires the local agency to refer all actions, regulations, and permits involving land within an airport influence area to the Commission for review (State Aeronautics Act Section 21676.5(a)). Only those actions which the ALUC elects not to review are exempt from this requirement. Commission policy is that only the *major land use actions* listed in Countywide Policy 1.5.3 shall be submitted for review.
- (b) After a local agency has revised its general plan or specific plan for consistency with the *Compatibility Plan* (see Countywide Policy 2.4.3) or has overruled the Commission, the Commission no longer has authority under state law to require that all actions, regulations, and permits be referred for review. However, the Commission and the local agency can agree that the Commission should continue to review individual projects in an advisory capacity. The basis for any agreement would be the following:
 - (1) The Commission requests local agencies to continue to submit *major land use actions* as listed in Countywide Policy 1.5.3.
 - (2) Review of these actions is requested only if a review has not previously been conducted as part of a general plan, specific plan, or zoning ordinance action or if sufficient project-level detail to enable a full assessment of compatibility was not available at the time of a previous review.

- (c) Proposed redevelopment of a property for which the existing use is consistent with the local general plan and/or specific plan, but nonconforming with the compatibility criteria set forth in this plan, shall be subject to ALUC review if *either* of the following apply:
 - (1) The redevelopment constitutes a major land use action as described in Countywide Policy 1.5.3 below.
 - (2) Nonconformance with the compatibility criteria will increase as a result of the redevelopment.
- (Also see Countywide Policies 2.4.3, 2.4.4.(a), and 2.4.4.(b).)
- (d) Proposed land use actions covered by Paragraphs (a), (b), and (c) above shall initially be reviewed by the ALUC Secretary. If the Secretary determines that significant compatibility issues are evident, the proposal shall be forwarded to the Commission for review and decision. The Commission authorizes the Secretary to approve proposed actions having no apparent compatibility issues of significance.

1.5.3. *Major Land Use Actions* — The scope or character of certain proposed *major land*

use actions, as listed below, is such that their compatibility with airport activity is a potential concern. Even though these actions may be basically consistent with the local general plan or specific plan, sufficient detail may not be known to enable a full airport compatibility evaluation at the time that the general plan or specific plan is reviewed. To enable better assessment of compliance with the compatibility criteria set forth herein, ALUC review of these actions may be warranted. Depending upon the circumstances indicated in Countywide Policy 1.5.2 above, such reviews may be either required or requested.

- (a) For the Buchanan Field Airport environs:
 - (1) Actions affecting land uses anywhere within the airport influence area:
 - < Any proposal for new development (including buildings, antennas, and other structures) more than 150 feet tall.
 - < Any obstruction reviewed by the Federal Aviation Administration in accordance with Part 77 of the Federal Aviation Regulations which receives a finding of anything other than “not a hazard to air navigation.”
 - < Any project having the potential to create electrical or visual hazards to aircraft in flight, including: electrical interference with radio communications or navigational signals; lighting which could be mistaken for airport lighting; glare in the eyes of pilots of aircraft using the airport; and impaired visibility near the airport.
 - < Projects having the potential to attract an increased number of birds to the vicinity of an airport.

- (2) Actions affecting land uses within the composite 55 dB CNEL noise contour or any Safety Zone (see Figures 3B and 3C in Chapter 3):
- < Proposed residential development, including land divisions, consisting of 20 or more acres and 5 or more lots.
 - < Any discretionary development proposal for projects having a building floor area of 20,000 square feet or greater.
 - < Major capital improvements (e.g., water, sewer, or roads) which would promote urban uses in undeveloped or agricultural areas where such uses are not reflected in a previously reviewed general plan or specific plan.
 - < Proposed land acquisition by a government entity for any facility accommodating a congregation of people (for example, a school or hospital).

(3) Additionally:

- < Within *Safety Zones 1 and 2*: Any proposal for new nonaviation development (including buildings, antennas, and other structures).
- < Within *Safety Zones 3 or 4*: Any proposal for new development (including buildings, antennas, and other structures) more than 50 feet tall.
- < Within *Height Exception Overlay Zones 1 and 1**: Any proposal for new development (including buildings, antennas, and other structures) which would reach an elevation of 150 feet above the 23-foot official elevation of the airport.
- < Within *Height Exception Overlay Zone 2*: Any proposal for new development (including buildings, antennas, and other structures) more than 45 feet tall.

(b) For the Byron Airport environs:

- (1) Actions affecting land uses anywhere within the airport influence area:
- < Any proposed expansion of the sphere of influence of a city or special district.
 - < Proposed residential development, including land divisions, consisting of 20 or more acres and 5 or more lots.
 - < Any discretionary development proposal for projects having a building floor area of 20,000 square feet or greater.
 - < Major capital improvements (e.g., water, sewer, or roads) which would promote urban uses in undeveloped or agricultural areas where such uses are not reflected in a previously reviewed general plan or specific plan.
 - < Proposed land acquisition by a government entity for any facility accommodating a congregation of people (for example, a school or hospital).
 - < Any obstruction reviewed by the Federal Aviation Administration in accordance with Part 77 of the Federal Aviation Regulations which

receives a finding of anything other than “not a hazard to air navigation.”

- < Any project having the potential to create electrical or visual hazards to aircraft in flight, including: electrical interference with radio communications or navigational signals; lighting which could be mistaken for airport lighting; glare in the eyes of pilots of aircraft using the airport; and impaired visibility near the airport.
- < Projects having the potential to attract an increased number of birds to the vicinity of an airport.

(2) Additionally:

- < Within *Compatibility Zones A and B1*: Any proposal for new, nonaviation development (including buildings, antennas, and other structures).
- < Within *Compatibility Zone B2*: Any proposal for new, nonaviation development (including buildings, antennas, and other structures) more than 70 feet tall.
- < Within *Compatibility Zones C1, C2, or D*: Any proposal for new development (including buildings, antennas, and other structures) more than 100 feet tall.
- < Within the *Height Review Overlay Zone*: Any proposal for new development (including buildings, antennas, and other structures) more than 50 feet tall.

(c) Proposed nonaviation development of airport property at either Buchanan Field

Airport or Byron Airport if such development has not previously been included in an airport master plan or community general plan reviewed by the Commission.

(d) Regardless of location within Contra Costa County, any proposal for construc-

tion or alteration of a structure (including antennas) taller than 200 feet above the ground level at the site. (see Countywide Policy 4.3.5).

(e) Any other proposed land use action, as determined by the local planning

agency, involving a question of compatibility with airport activities.

1.5.4. *Intercounty Coordination* — Where an airport influence area crosses the Contra

Costa County line, affected jurisdictions outside Contra Costa County are asked to maintain coordination with the Contra Costa County ALUC on airport land use compatibility issues. In particular:

(a) The counties of Alameda and San Joaquin should inform the Contra Costa

County ALUC regarding proposed land use actions affecting the portion of the Byron Airport influence area which lies within their respective jurisdictions (see Chapter 4, Figure 4B).

(b) Any county adjacent to Contra Costa County or any city or other agency within

such counties which may be considering proposed establishment or expansion of an airport within three miles (or heliport within one mile) of the Contra Costa

County boundary should inform the Contra Costa County ALUC of such proposal.

REVIEW OF LAND USE ACTIONS

2.

2.1. General

2.1.1. *Timing of Project Referral* — Proposed actions listed in Countywide Policies Section

1.5 *should* be referred to the Commission at the earliest reasonable point in time so that the Commission's (or ALUC Secretary's) review can be duly considered by the local jurisdiction prior to formalizing its actions. The timing may vary depending upon the nature of the specific project. However, all projects *must* be submitted to the Commission for review prior to final approval by the local government entity.

2.1.2. *Public Input* — Where applicable, the Commission shall provide public notice and

obtain public input in accordance with the State Aeronautics Act (Public Utilities Code Section 21675.2(d)) and general plan law (Government Code Section 65090) before acting on any plan, regulation, or other land use proposal under consideration.

2.2. Review Process for Community Land Use Plans and Ordinances

2.2.1. *Initial ALUC Review of General Plan Consistency* — In conjunction with adoption of

this *Airport Land Use Compatibility Plan*, the Commission shall review the general plans and specific plans of affected local jurisdictions to determine their consistency with the Commission's policies. [This initial review is contained in Appendix H of this document.]

(a) Within 180 days of the Commission's adoption or amendment of the *Airport*

Land Use Compatibility Plan, each local agency must amend its general plan and any applicable specific plan to be consistent with the Commission's *Plan* or, alternatively, adopt findings and override the Commission in accordance with Section 21676(b) of the Public Utilities Code (Government Code Section 65302.3).

(b) Prior to taking action on a proposed amendment, the local agency must submit a draft of the proposal to the Commission for review and approval.

2.2.2. *Subsequent Reviews of Community Land Use Plans and Ordinances* — As indicated

in Countywide Policies 1.5.1.(a) and 1.5.1.(b), prior to taking action on an amendment of a general plan or specific plan or the addition or approval of a zoning ordinance or building regulation affecting an airport influence area as

defined herein, local agencies must submit the proposed plan, ordinance, or regulation to the Commission for review. Subsequent land use development which is consistent with applicable, previously reviewed, local plans, ordinances, and regulations is subject to Commission review only under the conditions indicated in Countywide Policies 1.5.2 and 2.3.5.

2.2.3. *Commission Action Choices* — When reviewing a general plan, specific plan, zoning

ordinance, or building regulation for consistency with the *Compatibility Plan*, the Airport Land Use Commission has three choices of action:

- (a) Find the plan, ordinance, or regulation consistent with the *Compatibility Plan*.

To make such a finding with regard to a general plan, the conditions identified in Countywide Policy 2.4.3 must be met.

- (b) Find the plan, ordinance, or regulation consistent with the *Compatibility Plan*,

subject to conditions and/or modifications which the Commission may specify.

- (c) Find the plan, ordinance, or regulation inconsistent with the *Compatibility Plan*.

In making a finding of inconsistency, the Commission shall note the specific conflicts upon which its determination is based.

2.2.4. *Response Time* — The Airport Land Use Commission must respond to a local

agency's request for a consistency determination on a general plan, specific plan, zoning ordinance, or building regulation within 60 days from the date of referral (State Aeronautics Act Section 21676(d)).

- (a) If the Commission fails to make a determination within that period, the

proposed action shall be deemed consistent with the *Compatibility Plan*.

- (b) Regardless of Commission action or failure to act, the proposed action must

comply with other applicable local, state, and federal regulations and laws.

- (c) The referring agency shall be notified of the Commission's action in writing.

2.3. Review Process for Major Land Use Actions

2.3.1. *Project Submittal Information* — A proposed major land use action submitted to the

Commission (or to the ALUC Secretary) for review shall include:

- (a) The following information:

- (1) Property location data (assessor's parcel number, street address, subdivision lot number).

- (2) An accurately scaled map showing the relationship of the project site to the airport runways and/or compatibility zone boundaries.

- (3) A description of existing and proposed land uses.

- (4) The type of land use action being sought from the local jurisdiction (e.g., zoning change).
- (5) For residential uses, an indication of the potential or proposed number of dwelling units per acre (including any secondary units on a parcel); or, for nonresidential uses, the number of people potentially occupying the total site or portions thereof at any one time.
- (6) A detailed site plan showing ground elevations, the location of structures, open spaces, and water bodies, and the heights of structures and trees.
- (7) Identification of any characteristics which could create electrical interference, confusing lights, glare, smoke, or other electrical or visual hazards to aircraft flight.
- (8) An environmental document (initial study, draft environmental impact report, etc.), if one has been prepared for the project.
- (9) Other relevant information which the Commission or its staff determine to be necessary to enable a comprehensive review of the proposal.
- (b) Any applicable review fees as established by the Contra Costa County Airport

Land Use Commission.

2.3.2. *ALUC Secretary's Choices* — When reviewing major land use actions in accordance

with Countywide Policy 1.5.2.(d), the ALUC Secretary has two choices of action:

- (a) Find that the proposed project does not contain characteristics likely to result in inconsistencies with the compatibility criteria set forth in this plan. The Secretary is authorized to approve such projects on behalf of the Commission.
- (b) Find that the proposed project may be inconsistent with the *Compatibility Plan*.

The Secretary shall forward any such project to the Commission for a consistency determination.

2.3.3. *Commission Action Choices* — When reviewing a major land use project proposal,

the Airport Land Use Commission has three choices of action:

- (a) Find the project consistent with the *Compatibility Plan*.
- (b) Find the project consistent with the *Compatibility Plan*, subject to compliance with such conditions as the Commission may specify. Any such conditions should be limited in scope and described in a manner which allows compliance to be clearly assessed (e.g., the height of a structure).
- (c) Find the project inconsistent with the *Compatibility Plan*. In making a finding of inconsistency, the Commission shall note the specific conflicts upon which its determination is based.

2.3.4. *Response Time* — State law does not set a time limit for airport land use

commissions to review land use actions other than amendment of a general plan or specific plan or the addition or approval of a zoning ordinance or building regulation. Nevertheless, the policy of the Contra Costa County Airport Land Use Commission is that:

- (a) Reviews by the ALUC Secretary shall be completed within 21 days of when a complete application is submitted.
- (b) Reviews of projects forwarded to the Commission for a consistency determination shall be completed within 60 days of the date of project referral.
- (c) The date of referral is deemed to be the date on which all applicable project submittal information as listed in Countywide Policy 2.3.1 is received by the Commission Secretary.
- (d) If the ALUC Secretary or the Commission fail to make a determination within the above time periods, the proposed action shall be deemed consistent with the *Compatibility Plan*.
- (e) Regardless of action or failure to act on the part of the ALUC Secretary or the Commission, the proposed action still must comply with other applicable local, state, and federal regulations and laws.
- (f) The referring agency shall be notified of the ALUC Secretary's and/or the Commission's action in writing.

2.3.5. *Subsequent Review* — Once a major land use action has been reviewed by the

ALUC and found consistent with the *Compatibility Plan*, it need not be referred for review at subsequent stages of the planning process (e.g., for a use permit once a zoning change has been reviewed) unless:

- (a) Insufficient information was available at the time of the ALUC's original review of the project to assess whether the proposal would be fully in compliance with compatibility criteria (e.g., the site layout and structure height might not be known at the time a general plan change or zoning amendment is requested).
- (b) The design of the project subsequently changes in a manner which could raise questions as to the validity of a previous finding of compatibility. Specifically:
 - (1) An increase in the number of dwelling units, intensity of use (more people on the site), or other usage characteristics to levels exceeding the criteria set forth in this plan;
 - (2) An increase in the height of structures such that the height limits established herein would be exceeded;
 - (3) Major site design changes (such as incorporation of clustering or modifications to the configuration of open land areas proposed for the site)

- to the extent that site design was an issue in the initial project review;
and/or
- (4) Any significant change to a proposed project for which a special exception
was granted in accordance with Policy 2.4.4.(e).
- (c) The local jurisdiction concludes that further review is warranted.

2.4. Review Criteria for Land Use Actions

- 2.4.1. *Primary Compatibility Criteria* — The primary compatibility criteria applicable to the review of proposed land use actions in the vicinity of Buchanan Field Airport and Byron Airport are set forth in Chapters 3 and 4, respectively.

- 2.4.2. *Supplemental Countywide Compatibility Criteria* — In addition to the primary compatibility criteria for each individual airport, proposed development within the influence area of either airport also shall comply with the supplemental countywide compatibility criteria listed in Section 4 of this chapter.

- 2.4.3. *General Plan Consistency with Compatibility Plan* — In order for a general plan to

be considered consistent with the *Compatibility Plan*, both of the following must be accomplished:

- (a) No direct conflicts can exist between the two plans.
 - (1) Direct conflicts primarily involve general plan land use designations which do not meet the density or intensity criteria specified in the *Compatibility Plan* although conflicts with regard to other policies also may exist. A general plan land use designation which is more restrictive than the *Compatibility Plan* density and intensity criteria does not constitute an inconsistency.
 - (2) Note, however, that a general plan cannot be found inconsistent with the *Compatibility Plan* because of land use designations which reflect existing land uses even if those designations conflict with the ALUC's compatibility criteria. Because ALUCs have no authority over existing land uses, general plan land use designations which merely reflect the existing uses for such parcels are, in effect, excluded from requirements for general plan consistency with the ALUC plan. This exception is applicable only if the general plan includes policies setting limitations on expansion and reconstruction of nonconforming uses consistent with Countywide Policies 2.4.4.(a) and 2.4.4.(b).
- (b) Provisions must be made for evaluation of proposed land use development situated within an airport influence area relative to the compatibility criteria set forth in the *Compatibility Plan*.

- (1) Even if the land use designations in a general plan have been deemed consistent with the *Compatibility Plan*, evaluation of the proposed development relative to the land use designations alone is usually insufficient. General plans typically do not contain the detailed airport land use compatibility criteria necessary for a complete compatibility evaluation of proposed development.
- (2) Local jurisdictions have the following choices, or a combination thereof, for satisfying this evaluation requirement:
 - < The general plan and/or referenced implementing ordinances and regulations must contain sufficient detail to enable the local jurisdiction to assess whether a proposed development fully meets the compatibility criteria specified in the *Compatibility Plan* (this requires both that the compatibility criteria be identified and that project review procedures be described);
 - < The *Compatibility Plan* must be adopted by reference (additionally, the project review procedure must be described in a separate instrument presented to and approved by the ALUC); and/or
 - < The general plan must indicate that all major land use actions, as listed in Countywide Policy 1.5.3 or otherwise agreed to by the ALUC, shall be referred to the Commission for review in accordance with the policies of Countywide Policies Section 2.3.
- (3) The status of ALUC review of major land use actions depends upon which of the preceding options the local agency selects for making its general plan consistent with the *Compatibility Plan*. This status, in turn, affects whether a local agency would be required to utilize the override process in the event of a disagreement with the ALUC's action.
 - < If either of the first two options under Sub-policy (2) is selected, then referral of major land use actions to the ALUC is voluntary. In this case, the Commission's review is advisory and the local agency would not need to utilize the override process if it elects to approve a project without incorporating the Commission's comments.
 - < If the third option is chosen, submittal of major land use actions for ALUC review is mandatory and override procedures would apply.

2.4.4. *Special Conditions*

- (a) *Nonconforming Uses* — Uses not in conformance with this *Compatibility Plan* - may be continued, modified, transferred, or sold. Expansion of nonconforming uses shall be permitted only as follows:
 - (1) Expansion of a nonconforming use shall not be permitted within *Safety Zone 1* at Buchanan Field Airport or *Compatibility Zone A* at Byron Airport.

- (2) Except as indicated in Paragraph (1) above, a nonconforming residential use may be expanded in building size provided that the expansion does not result in more dwelling units than currently exist on the parcel.
 - (3) Except as indicated in Paragraph (1) above, a nonconforming nonresidential use is permitted a one-time expansion of no more than 10% of the floor area of the existing structure or 1,000 square feet, whichever is greater, provided that such expansion does not increase the usage intensity (the number of people per acre) by more than 10% above the levels existing at the time of adoption of this plan.
 - (4) Any proposed expansion of a nonconforming use to a greater degree than indicated above shall be subject to ALUC review. In reviewing any such proposal, the Commission shall consider whether special conditions (see Countywide Policy 2.4.4.(e)) are present which would warrant permitting the expansion to occur.
- (b) *Reconstruction* — An existing nonconforming development which has been fully or partially destroyed as the result of a calamity may be rebuilt only under the following conditions:
- (1) Reconstruction shall not be permitted within *Safety Zone 1* at Buchanan Field Airport or *Compatibility Zone A* at Byron Airport or where such reconstruction would be in conflict with a county or city general plan or zoning ordinance.
 - (2) Except as indicated in Paragraph (1) above, nonconforming residential uses may be rebuilt provided that the expansion does not result in more dwelling units than existed on the parcel at the time of the damage.
 - (3) Except as indicated in Paragraph (1) above, a nonconforming nonresidential use may be rebuilt provided that:
 - < The structure involved has been only partially destroyed (partial destruction shall be considered to mean damage which can be repaired at a cost of no more than 75% of the assessor's full cash value of the structure at the time of the damage); and
 - < The reconstruction does not increase the floor area of the previous structure by more than 10% or 1,000 square feet, whichever is greater, or result in an increase of more than 10% in the usage intensity (people per acre).
 - (4) Any nonresidential use which has been more than 75% destroyed must comply with all applicable standards herein when reconstructed.
 - (5) Reconstruction under Paragraphs (2) or (3) above must begin within 24 months of the date that the damage occurred.
 - (6) Nothing in the above policies is intended to preclude work required for normal maintenance and repair.

- (c) *Development by Right* — Nothing in these policies prohibits construction or alteration of a single-family home on a legal lot of record if such use is permitted by local land use regulations. Construction of other types of uses also may proceed if local government approvals, based upon previous Airport Land Use Commission compatibility criteria and project review, effectively qualify the development as existing (see Countywide Policy 1.2.9 for definition).
- (d) *Parcels Lying within Two or More Compatibility Zones* — For the purposes of evaluating consistency with the compatibility criteria set forth herein, any parcel which is split by compatibility zone boundaries shall be considered as if it were multiple parcels divided at the compatibility zone boundary line. However, the intensity of development allowed within the more restricted portion of the parcel can (and is encouraged to) be transferred to the less restricted portion even if the resulting development in the latter area then exceeds the criteria for that compatibility zone.
- (e) *Other Special Conditions* — The compatibility criteria set forth in this plan are intended to be applicable to all locations within each airport's influence area. However, it is recognized that there may be specific situations where a normally incompatible use can be considered compatible because of terrain, specific location, or other extraordinary factors or circumstances related to the site or characteristics of the proposed development.
 - (1) After due consideration of all the factors involved in such situations, the Commission may find a normally incompatible use to be acceptable.
 - (2) In reaching such a decision, the Commission shall make specific findings as to the nature of the extraordinary circumstances which warrant the policy exception. The findings also shall document that the proposed land use will neither create a safety hazard to people on the ground or aircraft in flight nor result in excessive noise exposure for the proposed use.
 - (3) The burden for demonstrating that special conditions apply to a particular development proposal rests with the project proponent and/or the referring agency, not with the ALUC.
 - (4) The granting of a special conditions exception shall be considered site specific and shall not be generalized to include other sites.

REVIEW OF AIRPORT MASTER PLANS AND EXPANSION PLANS

3.

3.1. Review Process

3.1.1. *Project Submittal Information* — An airport master plan or expansion plan

submitted to the Commission for review shall contain sufficient information to enable the Commission to adequately assess the noise, safety, airspace protection, and overflight (primarily annoyance) impacts of airport activity upon surrounding land uses. A master plan report should be submitted, if available.

(a) At a minimum, information to be submitted shall include:

- (1) A layout plan drawing of the proposed facility showing the location of:
 - < Property boundaries;
 - < Runways or helicopter takeoff and landing areas;
 - < Runway or helipad protection zones; and
 - < Aircraft or helicopter approach/departure flight routes.
- (2) Airspace surfaces in accordance with Federal Aviation Regulations, Part 77.
- (3) Activity forecasts, including the number of operations by each type of aircraft proposed to use the facility, the percentage of day versus night operations, and the distribution of takeoffs and landings for each runway direction.
- (4) Proposed flight track locations and projected noise contours or other relevant noise impact data.
- (5) A map showing existing and planned land uses in the areas affected by aircraft activity associated with implementation of the proposed master plan or development plan.
- (6) Any environmental document (initial study, draft environmental impact report, etc.) which has been prepared for the project.
- (7) Identification and proposed mitigation of impacts on surrounding land uses.

(b) Any applicable review fees as established by the Contra Costa County Airport

Land Use Commission shall accompany the application.

3.1.2. *Commission Action Choices for Plans of Existing Airports* — When reviewing airport

master plans or expansion plans for existing airports, the Commission has three action choices:

(a) Find the airport plan consistent with the *Airport Land Use Compatibility Plan*.

- (b) Find the airport plan inconsistent with the Commission's *Plan*.
 - (c) Modify the *Airport Land Use Compatibility Plan* (after duly noticed public hearing) to reflect the assumptions and proposals in the airport plan.
- 3.1.3. *Commission Action Choices for Reviews of New Airports or Heliports* — When reviewing proposals for new airports or heliports, the Commission's choices of action are:
- (a) Approve the proposal as being consistent with the specific review policies listed in Countywide Policies Section 3.3 below.
 - (b) Approve the proposal and adopt a *Compatibility Plan* for that facility. State law requires adoption of such a plan if the airport or heliport will be a public-use facility (State Aeronautics Act Section 21675(a)).
 - (c) Disapprove the proposal on the basis that the noise, safety, airspace protection, and overflight impacts it would have on surrounding land uses are not adequately mitigated.
- 3.1.4. *Response Time* — The Airport Land Use Commission must respond to a local agency's referral of an airport master plan or development plan within 60 days from the date of referral (State Aeronautics Act Section 21676(d)).
- (a) If the Commission fails to make a determination within that period, the proposed action shall be deemed consistent with the *Compatibility Plan*.
 - (b) Regardless of Commission action or failure to act, the proposed action must comply with other applicable local, state, and federal regulations and laws.
 - (c) The referring agency shall be notified of the Commission's action in writing.

3.2. Review Criteria for Master or Expansion Plans of Existing Airports

- 3.2.1. *Substance of Review* — When reviewing airport master plans or expansion plans for existing airports, the Commission shall determine whether activity forecasts or proposed facility development identified in the plan differ from the forecasts and development assumed for that airport in this *Airport Land Use Compatibility Plan*. Attention should specifically focus on:
- (a) Activity forecasts that are: (1) significantly higher than those in the *Airport Land Use Compatibility Plan*; or which (2) include a higher proportion of larger or noisier aircraft.
 - (b) Proposals to: (1) construct a new runway or helicopter takeoff and landing area; (2) change the length, width, or landing threshold location of an existing runway; or (3) establish an instrument approach procedure.

3.2.2. *Consistency Determination* — The Commission shall determine whether the

proposed airport plan or expansion plan is consistent with the *Airport Land Use Compatibility Plan*. The Commission shall base its determination of consistency on findings that the forecasts and development identified in the airport plan would not result in greater noise, overflight, and safety impacts or height restrictions on surrounding land uses than are assumed in the *Airport Land Use Compatibility Plan*.

3.3. Review Criteria for Proposed New Airports or Heliports

3.3.1. *Substance of Review* — In reviewing proposals for new airports and heliports, the

Commission shall focus on the noise, safety, airspace protection, and overflight impacts upon surrounding land uses.

- (a) Other types of environmental impacts (e.g., air quality, water quality, natural habitats, vehicle traffic, etc.) are not within the scope of Commission review.
- (b) The Commission shall evaluate the adequacy of the proposed facility design (in terms of federal and state standards) only to the extent that the design affects surrounding land use.
- (c) The Commission must base its review on the proposed airfield design. The Commission does not have the authority to require alterations to the airfield design.

3.3.2. *Airport/Land Use Relationships* — The review shall examine the relationships

between existing and planned land uses in the vicinity of the proposed airport or heliport and the impacts that the proposed facility would have upon these land uses. Questions to be considered should include:

- (a) Would the existing or planned land uses be considered incompatible with the airport or heliport if the latter were already in existence?
- (b) What measures are included in the airport or heliport proposal to mitigate the noise, safety, airspace protection, and overflight impacts on surrounding land uses? Such measures might include:
 - < Location of flight tracks so as to minimize the impacts;
 - < Other operational procedures to minimize impacts;
 - < Installation of noise barriers or structural noise insulation;
 - < Acquisition of property interests (fee title or easements) on the impacted land.

SUPPLEMENTAL COMPATIBILITY CRITERIA

4.

4.1. Noise

4.1.1. *Airport Noise Impacts* — The evaluation of airport/land use noise compatibility shall

consider the most extensive Community Noise Equivalent Level (CNEL) contours, existing or future, for each airport.

(a) The Buchanan Field Airport and Byron Airport noise contours to be used for the purposes of compatibility evaluations are included in Chapters 3 and 4, respectively.

(b) The Airport Land Use Commission, in consultation with the airport operator (the Contra Costa County Department of Public Works) should periodically review the projected noise level contours and update them if appropriate.

4.1.2. *Application of Noise Contours* — Because of the inherent variability of flight paths

and other factors that influence noise emissions, the exact, depicted locations of noise contours are not absolute determinants of the compatibility or incompatibility of a given land use. Noise contours can only quantify noise impacts in a general manner. For the purposes of this *Compatibility Plan*, the intended application of the noise contours shown in Chapters 3 and 4 is as follows:

(a) From a community land use planning stand-point, noise contours are most appropriately applied at the general plan, specific plan, or other broad-scale level.

(b) The exact location of noise contours is not intended to be used as a site design criterion except on large parcels or blocks of land (sites large enough to have 3 dB or more of variation in CNELs).

(c) The average Community Noise Equivalent Level indicated for a given project site is to be used as the basis for determining compliance with interior noise level criteria as listed in Countywide Policy 4.1.4.)

4.1.3. *Acceptable Noise Exposures for Residential and Other Land Uses* — Criteria setting

the noise exposures acceptable for residential and other land uses in the vicinity of Buchanan Field Airport and Byron Airport are included in Chapters 3 and 4 (see Buchanan Field Airport Policies Section 5.2 and Byron Airport Policy 6.9.2).

4.1.4. *Interior Noise Levels* — Land uses for which interior activities may be easily

disrupted by noise shall be required to comply with the following interior noise level criteria.

- (a) The maximum, aircraft-related, interior noise level which shall be considered acceptable for land uses within an airport influence area is 45 dB CNEL in:
 - < Living and sleeping areas of single- or multi-family residences;
 - < Hotels and motels;
 - < Hospitals and nursing homes;
 - < Churches, meeting halls, office buildings, and mortuaries; and
 - < Schools, libraries, and museums.
 - (b) Calculations should assume that windows are closed.
 - (c) When reviewed as part of a general plan or zoning ordinance amendment or as a major land use action, evidence that proposed structures will be designed to comply with the above criteria shall be submitted to the ALUC under the following circumstances:
 - (1) Any mobile home situated within an airport's 55-dB CNEL contour. [A typical mobile home has an exterior-to-interior noise level reduction (NLR) of approximately 15 dB with windows closed.]
 - (2) Any single- or multi-family residence situated within an airport's 60-dB CNEL contour. [Wood frame buildings constructed to meet 1990s standards for energy efficiency typically have an NLR of approximately 20 dB with windows closed.]
 - (3) Any hotel or motel, hospital or nursing home, church, meeting hall, office building, mortuary, school, library, museum, or other noise-sensitive nonresidential use situated within an airport's 65-dB CNEL contour.
- 4.1.5. *Engine Run-Up and Testing Noise* — ALUC consideration of noise from these

activities shall be limited as follows:

- (a) Aircraft noise associated with pre-flight engine run-ups, taxiing of aircraft to and from runways, and other operation of aircraft on the ground is considered part of airport operations and therefore is not subject to ALUC regulation. Nevertheless:
 - (1) The Commission may take into account noise from these sources when reviewing the compatibility of proposed land uses near the airport. Special noise measurements may be necessary for this purpose in that run-up and taxiing noise is usually not reflected in airport noise contours (this source has *not* been considered in preparation of the noise contours depicted in Chapters 3 and 4 herein).
 - (2) Noise from aircraft ground operations should be considered by the Commission when reviewing airport master plans or expansion plans in accordance with Section 3 of this chapter.
- (b) Noise from the testing of aircraft engines on airport property is not deemed an activity inherent in the operation of an airport and thus it is not an airport-

related impact addressed by this *Compatibility Plan*. Noise from these sources should be addressed by the noise policies of local agencies in the same manner as noise from other industrial sources. (Engine testing noise is not normally included in the noise contours prepared for an airport and has not been considered in preparation of the noise contours contained in Chapters 3 and 4 herein.)

4.1.6. *Construction of New or Expanded Airports or Heliports* — Any proposed

construction of a new airport or heliport or expansion of facilities at an existing airport or heliport which would result in a significant increase in cumulative noise exposure (measured in terms of CNEL) shall include measures to reduce the exposure to a less-than-significant level. For the purposes of this plan, a noise increase shall be considered significant if:

- (a) In locations having an existing ambient noise level of less than 55 dB CNEL, the project would increase the noise level by 5.0 dB or more.
- (b) In locations having an existing ambient noise level of between 55 and 60 dB CNEL, the project would increase the noise level by 3.0 dB or more.
- (c) In locations having an existing ambient noise level of more than 60 dB CNEL, the project would increase the noise level by 1.5 dB or more.

4.2. Safety

4.2.1. *Objective* — The intent of land use safety compatibility criteria is to minimize the

risks associated with an off-airport aircraft accident or emergency landing.

- (a) Risks both to people and property in the vicinity of an airport and to people on board the aircraft shall be considered.
- (b) More stringent land use controls shall be applied to the areas with greater potential risk.

4.2.2. *Risks to People on the Ground* — The principal means of reducing risks to people

on the ground is to restrict land uses so as to limit the number of people who might gather in areas most susceptible to aircraft accidents. (Methods for determining the concentration of people for various land uses are provided in Appendix E.) A supplemental means of reducing risks to people on the ground is through special features of the building design as indicated in Countywide Policy 4.2.4.

4.2.3. *Land Uses of Particular Safety Concern* — Land uses of particular safety concern are

ones in which the occupants have reduced effective mobility or are unable to respond to emergency situations.

- (a) These uses include children's schools and day care centers (with 7 or more children), hospitals, nursing homes, and other uses in which the majority of occupants are children, elderly, and/or handicapped.
 - (b) New construction or expansion of these high-risk uses shall be prohibited in locations near each of the airports. Specific policies applicable to Buchanan Field Airport and Byron Airport and included in Chapters 3 and 4, respectively.
- 4.2.4. *Risk Reduction Through Building Design* — In locations where risks of aircraft accidents are moderate, the number of people permitted to occupy a single nonresidential building may be increased if special measures are taken to reduce the risks to building occupants in the event that the building is struck by an aircraft.
- (a) The specific amount of the potential intensity bonus is indicated in Chapter 3 Policy 5.3.6 and Chapter 4 Policy 6.9.1.(a) for locations in the vicinity of Buchanan Field and Byron Airport, respectively.
 - (b) Building design features which would enable application of an intensity bonus include, but are not limited to, the following:
 - < Using concrete walls;
 - < Limiting the number and size of windows;
 - < Upgrading the strength of the building roof;
 - < Avoiding skylights;
 - < Enhancing the fire sprinkler system;
 - < Limiting buildings to a single story; and
 - < Increasing the number of emergency exits.
 - (c) Proponents of projects wishing to take advantage of intensity bonuses may submit appropriate details of the building design along with their project review application to the ALUC. The Commission shall consider and approve intensity bonuses on a case-by-case basis.
 - (d) Alternatively, affected local jurisdictions may draft an ordinance or other policy document establishing criteria which the jurisdiction will use in considering and approving intensity bonus requests. Any such ordinance or policy must be reviewed and approved by the ALUC before taking effect.

4.3. Airspace Protection

- 4.3.1. *Basis for Height Limits* — To protect the airspace necessary for the operation of aircraft approaching, departing, or otherwise flying in the vicinity of airports, limits must be set on the height of objects on the land below. The basic criteria for limiting the height of structures, trees, and other objects near airports are set by federal regulations: Part 77, Subpart C, of the Federal Aviation Regulations (FAR); the United States Standard for Terminal Instrument Procedures (TERPS); and applicable airport design standards.

- (a) Unless specific exceptions have been evaluated and determined not to adversely affect air navigation, these criteria as applied to Buchanan Field Airport and Byron Airport shall be used as the basis for setting limits on the heights of objects in the vicinity of those airports.
- (b) Airspace plans depicting the critical areas for airspace protection around Buchanan Field and Byron Airport are depicted in Chapters 3 and 4, respectively.

4.3.2. *Height Limit Exceptions* — In all parts of the airport influence area for both

Buchanan Field and Byron Airport, proposed structures may be allowed to exceed the criteria stated in the height limit policies for the respective airport, subject to review and approval by the ALUC on a case-by-case basis.

- (a) A detailed airspace analysis, including a Federal Aviation Administration aeronautical study, shall be required. The analysis shall assess the potential affect of the proposed structure on instrument approach procedures, airport utility, and overall aviation safety. Consideration shall also be given to the potential effects on new or enhanced instrument approach procedures which may be developed in the future as indicated on the adopted airport layout plan.
- (b) The Federal Aviation Administration and/or the Contra Costa County Airport Land Use Commission may require marking and lighting of any objects for which a height limit exception is granted. Any such marking and lighting shall be done in a manner consistent with applicable FAA standards.

4.3.3. *Avigation Easement Dedication* — In those locations in an airport vicinity where

substantial limitations on the height of objects is essential to protection of the airport's airspace or where a height limit exception is granted, dedication of an avigation easement to Contra Costa County shall be required as a condition for development approval.

- (a) Although avigation easements serve as a type of buyer awareness measure, it is not ALUC policy to require avigation easement dedication solely for that purpose. Requirements for avigation easement dedication are to be limited to locations where height limits are particularly critical for airspace protection purposes.
- (b) The specific locations where the avigation easement dedication requirement applies are indicated in Buchanan Field Airport Policy 5.4.5 and Byron Airport Policies for *Compatibility Zone A* and *B1*.
- (c) Avigation easements shall:
 - (1) Provide the right of flight in the airspace above the property;
 - (2) Allow the generation of noise and other impacts associated with aircraft overflight;

- (3) Restrict the height of structures, trees, and other objects;
- (4) Permit access to the property for the purpose of removing or aeronautical marking of objects which exceed the established height limit; and
- (5) Prohibit electrical interference, glare, and other potential hazards to flight from being created on the property.
- (d) An example of an aviation easement is provided in Appendix F.

4.3.4. *FAA Notification* — Proponents of a project which may exceed a Part 77 surface

must notify the Federal Aviation Administration as required by FAR Part 77, Subpart B, and by the State Aeronautics Act, Sections 21658 and 21659. (Notification to the Federal Aviation Administration under FAR Part 77, Subpart B, is required even for certain proposed construction that does not exceed the height limits allowed by Subpart C of the regulations. Refer to Appendix B of this *Compatibility Plan* for the specific Federal Aviation Administration notification requirements.)

- (a) Local jurisdictions shall inform project proponents of the requirements for notification to the Federal Aviation Administration.
- (b) The requirement for notification to the Federal Aviation Administration shall not necessarily trigger an airport compatibility review of an individual project by the Airport Land Use Commission unless required in accordance with the Buchanan Field Airport or Byron Airport airspace protection and height limit policies set forth in Chapters 3 and 4.
- (c) Any project submitted to the ALUC for airport land use compatibility review for reason of height-limit issues shall include a copy of FAR Part 77 notification to the Federal Aviation Administration and the results of the FAA's analysis.

4.3.5. *Tall Structures in Locations Outside of Airport Influence Areas* — FAA review is re-

quired for any proposed structure more than 200 feet above the surface level of its site. All such proposals also shall be submitted to the ALUC for review regardless of where in the county they would be located, whether inside or outside of an airport influence area.

- (a) The intent of this ALUC policy is to give the Commission the opportunity to review these proposed projects and have the opportunity to provide comments to the FAA and the responsible local land use jurisdiction. The ALUC reviews are considered advisory.
- (b) The requirement for general plan consistency with the *Compatibility Plan* which is applicable within the formal influence areas of the Buchanan Field and Byron airports does not apply to the jurisdictions elsewhere in the county affected by this tall-structure notification policy.

4.3.6. *Other Flight Hazards* — Land uses which may cause visual, electronic, or bird strike

hazards to aircraft in flight shall not be permitted within any airport's influence area. Specific characteristics to be avoided include:

- (a) Glare or distracting lights which could be mistaken for airport lights;
- (b) Sources of dust, steam, or smoke which may impair pilot visibility;
- (c) Sources of electrical interference with aircraft communications or navigation;
- and
- (d) Any use, especially landfills and certain agricultural uses, which may attract an increased number of birds. (Refer to Federal Aviation Administration Advisory Circular No. 150/5300-33, *Hazardous Wildlife Attractants On or Near Airports*, and Order No. 5200.5A, *Waste Disposal Sites On or Near Airports* for specific guidelines.)

4.4. Overflights

4.4.1. *Nature of Concern* — Even in locations not subject to high cumulative noise levels

(as measured by Community Noise Equivalent Level contours), the presence of frequent aircraft overflights can be annoying to some people who live near airports. The degree of annoyance tends to be subjective and to vary significantly from one person to another. Not only noise, but often concerns for safety, are factors in annoyance. Other contributing factors include the frequency of overflights, the typical overflight altitude, the noise levels of individual aircraft operations, the characteristics of the noise (helicopter noise being particularly intrusive), and the perceived necessity of the noise.

4.4.2. *Geographic Extent of Overflight Concerns*

- (a) Aircraft overflights can be annoying to some people many miles from an airport, even a general aviation airport. However, for the purposes of this *Compatibility Plan*, the most significant concerns are considered to exist within areas beneath the arrival and departure routes to the airport and elsewhere beneath the airport traffic patterns. These are locations where aircraft often fly at or below the traffic pattern altitude. At most airports, these locations basically coincide with the limits of the airspace protection surfaces delineated in accordance with Part 77 of the Federal Aviation Regulations.
- (b) This *Compatibility Plan* defines the influence area of each airport to encompass the FAR Part 77 conical surface. Overflight concerns are considered to be an airport land use compatibility factor throughout all of each airport's influence area.

4.4.3. *Buyer Awareness Measures* — Given the preceding characteristics of overflight con-

cerns, the ALUC deems it important for prospective purchasers of property, particularly residential property, within various portions of the airport influence area to be informed about airport activity impacts so that they can take these factors into account in making their purchase decision. The compatibility policies for Buchanan Field Airport and Byron Airport include two types of buyer awareness measures.

(a) *Avigation easements* serve as a form of buyer awareness measure, but the

Compatibility Plan limits their application to locations where height limitations for airspace protection purposes are most critical. See Countywide Policy 4.3.3, Buchanan Field Airport Policy 5.4.5, and Byron Airport Policies for *Compatibility Zone A* and *B1*.

(b) *Deed notices* are required primarily in locations where high cumulative noise

levels are the most significant compatibility concern. See Buchanan Field Airport Policy 5.2.5 and Byron Airport policies for *Compatibility Zones B2, C1, and C2*.

(1) Deed notices are similar to avigation easements in that they are recorded

with the deed to a parcel. Unlike easements, though, they do not convey any property rights from the property owner to the easement holder. An example of a deed notice is included in Appendix F.